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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2012-9*

13 **BARBARA GENTNER-GONZALEZ, a.k.a.**
14 **BARBARA ANN GENTNER GONZALEZ**
15 **3131 SW Isaac**
16 **Pendelton, OR 97801**
17 **Registered Nurse License No. 608158**

A C C U S A T I O N

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 16, 2002, the Board of Registered Nursing issued Registered
24 Nurse License Number 608158 to Barbara Gentner-Gonzalez, also known as Barbara Ann
25 Gentner-Gonzalez (Respondent). The Registered Nurse License expired on September 30, 2008,
26 and has not been renewed.
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1 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

2 8. Code section 4021 states:

3 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
4 11053) of Division 10 of the Health and Safety Code.”

5 9. Code section 4022 provides:

6 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in
7 humans or animals, and includes the following:

8 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
9 prescription,’ ‘Rx only’ or words of similar import.

10 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale
11 by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

12 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
13 prescription or furnished pursuant to Section 4006.”

14 10. “Vicodin” is the brand name for Acetaminophen and Hydrocodone Bitartrate, which
15 is a semisynthetic narcotic analgesic and antitussive with multiple actions qualitatively similar to
16 those of codeine. It is a Schedule III controlled substance as designated by Health and Safety
17 Code section 11056, subdivision (e)(4), and a dangerous drug as defined by Code section 4022.

18 11. “Klonopin” is a brand name for Clonazepam, a Schedule IV controlled substance as
19 designated by Health and Safety Code section 11057, subdivision, (d)(7), and a dangerous drug as
20 defined by Code section 4022. It is a depressant drug. It produces central nervous system
21 depression and should be used with caution with other central nervous system depressant drugs.
22 Like other benzodiazapines, it can produce psychological and physical dependence.

23 COST RECOVERY

24 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.
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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Out of State Discipline)
3 (Bus. & Prof. Code § 2761, subd. (a)(4))

4 13. Respondent has subjected her registered nurse license to disciplinary action under
5 Code section 2761, subdivision (a)(4), in that on or about June 12, 2008, in a disciplinary action
6 before the Board of Nursing of the State of Oregon (Oregon Board), the Oregon Board entered a
7 Final Order by Default suspending Respondent's registered nurse license.

8 14. The underlying conduct supporting the Oregon Board's disciplinary action is that on
9 or about June 1, 2007, the Oregon Board received a complaint alleging that Respondent had
10 exceeded her scope of practice as a registered nurse by administering medications without a
11 physician order, failing to waste narcotics properly, and falsifying documentation on patient
12 records. On or about July 18, 2007, the Oregon Board sent a letter to Respondent's address of
13 record, instructing her to contact the Oregon Board to schedule an interview to discuss the
14 allegations in the complaint. Respondent did not respond. On or about July 24, 2007, the Oregon
15 Board sent a second letter to Respondent's address of record, instructing her to contact the
16 Oregon Board within five business days in order to schedule an interview with Board staff to
17 discuss the allegations in the complaint. Respondent did not respond. On or about February 5,
18 2008, Respondent was contacted by telephone and she was allowed to schedule an interview with
19 Oregon Board staff to discuss the June 2007 complaint. The interview was scheduled for on or
20 about April 15, 2008. On or about April 15, 2008, Respondent did not attend her scheduled
21 personal interview and did not call the Oregon Board. On or about April 29, 2008, a "Notice of
22 Proposed Suspension of Registered Nurse License" was sent to Respondent's address of record
23 by certified mail. Respondent did not request a hearing within the allotted 20 days and the
24 Oregon Board concluded that Respondent was in default. The Board further concluded that
25 Respondent's failure to attend an investigative interview with Oregon Board staff constituted a
26 failure to cooperate with the Oregon Board during the course of an investigation and was conduct
27 unbecoming of a registered nurse.
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SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code § 2761, subd. (a)(4))

15. Complainant hereby realleges the allegations contained in paragraphs 13 and 14 above, and incorporates them as if fully set forth.

16. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about November 13, 2008, in a disciplinary action before the Oregon Board, the Oregon Board entered a Final Order approving the Stipulation for Reprimand with Conditions (Stipulation) between Respondent and the Oregon Board, which Respondent signed on or about October 16, 2008. The Stipulation reprimanded Respondent and required her to complete academic courses pertaining to: (1) the principals and legal liability of documentation; (2) medication administration; and (3) nursing ethics. The Stipulation also required Respondent to write a paper no less than two pages in length about each class, present an outline of the course, and discuss the information she learned that would make a difference in her practice as a registered nurse.

17. The underlying conduct supporting the Oregon Board's disciplinary action is that from on or about February 2, 2007, through June 5, 2007, Respondent was employed by Two Rivers Correctional Facility in Umatilla, Oregon. From on or about April through May of 2007, Respondent exceeded her practice as a registered nurse when, in the absence of a current physician order, she medicated inmates with Vicodin, wasted narcotics without a second signature, committed multiple medication errors, and falsified documentation. Examples of Respondent's above-referenced conduct are as follows:

a. On or about April 17, 2007, and again on April 23, 2007, Respondent wasted Clonazepam without obtaining a second signature.

b. On or about May 26, 2007, Respondent wasted Vicodin without obtaining a second signature.

c. On or about April 29, 2007, Respondent administered two tablets of Vicodin to Inmate RS when only one tablet was ordered.

1 d. On or about April 30, 2007, Respondent administered Vicodin to Inmate JR.
2 JR did not have a physician order for Vicodin. The progress note did not reflect this incident.
3 Respondent failed to notify the physician that she administered the wrong drug to a patient.

4 e. On or about May 27, 2007, Respondent withdrew Vicodin for Inmate MW
5 without a physician order. The previous order had expired on May 22, 2007. The progress notes
6 did not reflect that Vicodin was administered or that Respondent contacted a physician regarding
7 the expired medication.

8 f. On or about May 27, 2007, Respondent withdrew Vicodin for Inmate AS
9 without a physician order. The previous order expired on May 26, 2007. The progress note did
10 not reflect that Respondent attempted to contact the physician or that the Vicodin was
11 administered to AS. A telephone order written at 7:30 p.m. on May 28, 2007, was found which
12 reflected a late entry. The order was for Vicodin to be given to AS on May 27, 2007. The
13 physician denied giving Respondent an order for Vicodin.

14 THIRD CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct – Out of State Discipline)
16 (Bus. & Prof. Code § 2761, subd. (a)(4))

17 18. Complainant hereby realleges that allegations contained in paragraphs 13 through 17
18 above and each of its subparts, and incorporates them as if fully set forth.

19 19. Respondent has subjected her registered nurse license to disciplinary action under
20 Code section 2761, subdivision (a)(4), in that on or about March 13, 2009, in a disciplinary action
21 before the Oregon Board, the Oregon Board entered a Final Order by Default suspending
22 Respondent's registered nurse license for a minimum of 60 days.

23 20. The underlying conduct supporting the Oregon Board's disciplinary action is that on
24 or about October 16, 2008, Respondent signed the Stipulation referenced above in paragraphs 16
25 and 17, which was approved by the Board's Final Order on November 13, 2008. The Stipulation
26 required Respondent to complete the educational conditions set forth in the Stipulation by
27 December 31, 2008. The Stipulation also required Respondent to submit written reports
28 pertaining to the coursework. Respondent failed to complete the educational conditions and

1 failed to submit the required documentation to the Oregon Board. On or about February 12,
2 2009, the Oregon Board sent Respondent a "Notice of Proposed 60 day Suspension of Registered
3 Nurse License" by certified mail. Respondent did not request a hearing within the allotted 20
4 days and the Oregon Board concluded that Respondent was in default. The Oregon Board
5 concluded that Respondent's failure to complete educational coursework and submit
6 documentation of such completion constituted conduct derogatory to the standards of nursing.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
9 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 608158, issued to Barbara
11 Gentner-Gonzalez, also known as Barbara Ann Gentner-Gonzalez;
- 12 2. Ordering Barbara Gentner-Gonzalez, also known as Barbara Ann Gentner-Gonzalez
13 to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement
14 of this case, pursuant to Business and Professions Code section 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.
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18 DATED: July 8, 2011

19 Louise R. Bailey
20 LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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